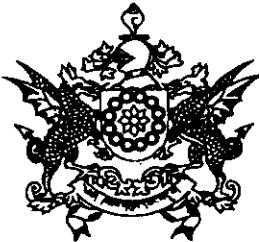


SIKKIM



GOVERNMENT

GAZETTE

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Friday 14th July, 2017

No. 314

GOVERNMENT OF SIKKIM

**SOCIAL JUSTICE, EMPOWERMENT AND WELFARE DEPARTMENT
(WOMEN & CHILD DEVELOPMENT DIVISION)
5TH MILE, LUMSEY, TADONG**

No:23/SJE&WD/2017-18

Dated: 08/07/2017

NOTIFICATION

In supersession of the Notification No. 54/SW dated 15.10.93, republished in the Extraordinary Gazette No. 30 dated 10th March 1994, save in respect of things done or omitted to be done before such supersession, the State Government is hereby pleased to make the following rules to encourage remarriage of widows to raise their social status, economic development, non discrimination and to live a dignified life in the society.

Now, therefore, in order to achieve these objectives, the State Government is hereby pleased to make the following rules, namely:-

Short title and
Commencement

1. (1) These rules may be called the Sikkim Widows Remarriage Rules, 2017.
(2) They shall come into force on the date of their publication in the Official Gazette

Definitions:

2. In these rules, unless context otherwise requires:-
 - (a) "Department" means the Department of Social Justice, Empowerment and Welfare Department;
 - (b) "Form" means a form appended to these rules;
 - (c) "Widow" means a woman of above 18 years and whose husband is dead and is a domiciled of Sikkim;

Eligibility criteria:

3. A widow woman is eligible for incentive for widow remarriage under these rules, subject to the following conditions, namely:-
 - (i) the applicant should be a widow as defined in clause (c) of rule 2 and shall marry a bachelor or widower or divorcee;
 - (ii) the applicant should be in the age group of 18-40 years;
 - (iii) the bachelor or widower or divorcee who marries the applicant should be above the age of 21 years;

- (iv) the marriage shall be performed in accordance with law in force on the date of marriage and the marriage shall be compulsory registered either in the office of Sub Divisional Magistrate or District Collector specifically designated as Registrar of Marriages by Government Orders;
- (v) the applicant should be a resident of Sikkim having Sikkim Subject Certificate or Certificate of Identification as the case may be and should have Below Poverty Line Certificate issued by Department of Economics, Statistics, Monitoring and Evaluation or Antodaya Anna Yozana/Priority Household Ration Card issued by Food , Civil Supplies and Consumer Affairs Department;
- (vi) an Affidavit being sworn in by the applicant and signed by Panchayat of the concerned block or Panchayat President and counter-signed by Block Development Officer of that area accompanied by the Death Certificate of her dead husband duly filled in **Form – I**;

Provided that the widow shall not be entitled to such incentive for second time;

Provided further that the applicant should not marry a person whose wife is alive and have not been divorced legally;

Provided also that the applicant shall not be entitled to any incentive under these rules if the marriage solemnised between the parties would be within the prohibited degree of relationship according to the Customary Law of either party or any law governing them.

Procedure for grant of Incentive:

4. (1). Application for grant of incentive to widow remarriage shall be made in **Form-II** appended to these rules by the Intending applicant
- (2). These forms shall be available in the Department to Intending applicant free of cost and can also be downloaded from the Department's Official Website
- (3). The application shall be submitted to the Office of the Social Welfare Officer, Social Justice, Empowerment and Welfare Department in each district within 60 (sixty) days from the date of marriage or directly in the Women and Child Division of the Department;
- (4). The application form shall be accompanied by the following certificates/documents namely:-
 - (i) Certificate of Identification/Sikkim Subject Certificate as the case may be;
 - (ii) Certificate of death of the Applicant's husband;
 - (iii) Certificate from the Service Provider under Domestic Violence Act, 2005 in the **Form- III**;
 - (iv) Declaration given by the applicant in **Form IV** and her spouse in **Form V**;

(v) Self-attested copy of Birth Certificate of the Bridegroom who marries the applicant;

(vi) Self attested copy of the Marriage Registration Certificate, Photo Identity Card and Aadhaar Card linked with Bank account;

(vii) The Applicant (widow) should submit a No Objection Certificate in **Form VI** from the father or mother of her deceased husband.

Receipt and verification of the application:

5. 1) The application received from the applicant shall be acknowledged and entered in the Receipt Register and shall be allotted Receipt Number.
- 2) The Deputy Secretary or any Senior Officer of Women and Child Division shall thereafter cause an enquiry to be conducted through the Social Welfare Inspector/Service Provider of the Department and satisfy himself/herself that the particulars furnished in the application are genuine and correct.

Grant of Incentive:

6. The amount of incentive payable to each widow/couple shall be as such as may be notified by the State Government from time to time.

Authority Competent to sanction incentive:

7. The Secretary in the Department of Social Justice, Empowerment and Welfare shall be the competent authority to sanction the incentive.

Undertaking to be submitted by a Couple:

8. The beneficiary couple should submit an Undertaking in triplicate in **Form VII** that they shall not divorce or take such action as to separate for a minimum period of ten years from the date of registration of their marriage, failing which it shall be presumed that the marriage has been contracted with malafide intention and necessary action to recover the amount from the bridegroom shall be taken with interest accrued till such date.

Marriage where either party to is a leper, lunatic or of unsound mind.:

9. Where either of the contracting parties a marriage under these rules is a leper, lunatic or is of unsound mind, no such marriage shall qualify for the incentive.

Marriage under duress or force:

10. No marriage contracted against the desire or will of either of the contracting parties to the marriage, or where either of the parties has been induced to enter into such marriage shall qualify for incentive under these rules.

Incentive obtained under fraud or misrepresentation or by suppression facts:

11. If the applicant has obtained the incentive by fraud or by misrepresentation or by suppression of material facts, the applicant shall, on demand by the Department forthwith refund the amount granted to the applicant within 30 (thirty) days from the date of issue and also liable for criminal action as per law in force.

Power to modify: Vary, other or amend:

12. Notwithstanding anything contained in these rules, the State Government, may
 - 1) modify, vary, alter or amend any of the provisions made hereinabove and such changes shall be effective from the date of its notification.
 - 2) make any relaxation in the application of a provision of these rules in deserving cases.

FORM I
AFFIDAVIT
(see rule 3 (vi))

Idaughter of..... residing
at..... hereby solemnly and sincerely affirm and state as follows:-

I was married to Shri.....on.....at.....
The said Shri..... expired on..... and now I am a widow and
decided to remarry/perform remarriage. I am deposing this Affidavit in view of producing the same
before the Department of Social Justice, Empowerment and Welfare to benefit under the scheme of
"Incentive for Widow Remarriage" and further declare that the above facts and information are true to
my knowledge, belief and nothing has been concealed or misrepresented there-from.

Place: Signature of the applicant

Date:

Name of the Ward Panchayat/Panchayat President.

1.....

2.Signature and seal.....

Counter signed ad authenticated by

(Signature)

Name of the Block Development Officer
Block Administrative Centre

Date:

Seal

FORM II
(see rule 4(1))
Sikkim Widows Remarriage Rules, 2017
(APPLICATION FORM TO BE SUBMITTED IN TRIPPLICATE)

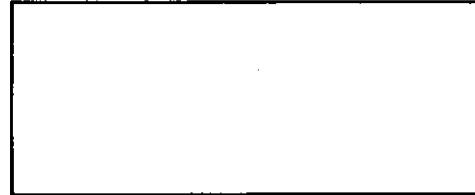
1. Name:..... Surname.....
2. Date of Birth.....
3. Permanent Address.....
4. Present Address.....
5. Occupation.....
6. Marital status.....
7. If widow, please indicate the following.
 - i. Name of the deceased husband.....
 - ii. Date of death of the husband.....
 - iii. Details of children from the previous marriage.....
 - a.
 - b.
 - c.
8. Has the marriage been already solemnised: Yes/No
9. If yes, provide the following details of the husband:
 - a. Name of the husband.....
 - b. Whether Bachelor/Divorcee/Widower.....
 - c. His date of birth/age.....
 - d. If Divorcee, details of his previous wife,
Address:.....
 - e. If Widower, details of his deceased wife, address.....
10. If the marriage has already been solemnised, please indicate the following:-
 - i. Name of the Person/Marriage Officer/Priest.....
 - ii. Date on which the marriage was solemnised:.....
 - iii. Name/Address of two Witnesses when the marriage was solemnised.
 - a. ...
 - b. ...
11. Whether the eligible person has fostered or proposes to foster any child/children born to the widow from the deceased husband; Yes / No.
12. Have you availed of the incentive under the present rules before? Yes / No.

13. Whether marriage has been registered: Yes / No.

14. Following attested documents are to be enclosed with the Application Form

- i. Certificate of Identification/ Sikkim Subject Certificate of both widow and her present husband.
- ii. Certificate of death of the applicant's husband.
- iii. Certificate from the Service Provider under Domestic Violence Act, 2005 in the prescribed Form- III.
- iv. Declaration given by the applicant and her spouse.
- v. Self-attested copy of Birth Certificate of the bridegroom who marries the applicant.
- vi. Self-attested copy of the Marriage Registration Certificate.
- vii. Photo Identity Card.
- viii. Aadhaar Card.
- ix. Bank Account details with IFSC Code.
- x. Mobile number.

15. If the marriage has already been solemnised, please affix a recent passport size joint photograph of the couple.



I, hereby declare that the informations furnished are correct and I have not suppressed any fact that will disentitle me for the financial assistance for remarriage.

Place:

(Name & Signature of the Applicant)

Date.

FORM III
(See clause (iii) of sub rule (4) of rule 4)

CERTIFICATE FROM SERVICE PROVIDER UNDER DOMESTIC VIOLENCE ACT,2005

I, Service Provider under Domestic Violence Act, 2005 hereby declare that the family details of the Applicant and Smt.....

W/o,D/o, S/o..... resident of that mentioned are has a valid Certificate of Identification / Sikkim Subject Certificate. The details provided by the Applicant are verified.

Place: signature of the Service Provider.

Date.

FORM IV.
(See clause (ii) of sub Rule 4 sub rule 4)
DECLARATION BY THE WIDOW.

I, Smt. aged.....about.....years,
resident of.....having Sikkim Subject Certificate / Certificate of Identification
Serial No.....Vol.No.....who is presently
married / or getting married to Shri.....

resident of having Sikkim Subject Certificate /COI Serial
No..... Vol. No..... do hereby solemnly declare that I have contracted / or
will be contracting the present marriage with the person named above voluntarily and/on my own Will
and Desire.

Place

Signature

Date.

FORM V
(See clause (ii) of sub Rule 4 sub rule 4)
DECLARATION BY THE BRIDEGRROOM

I,son of.....

resident of,..... having Certificate of Identification / Sikkim Subject Certificate bearing Serial No..... Vol.No.....do hereby solemnly and sincerely affirm and state that I was born on.....at.....and I am a Bachelor/ Widower/Divorcee and I have not concealed any facts.

Place

Signature

Date.

FORM VI
(See clause (vii) of sub Rule 4 sub rule 4)
NO OBJECTION CERTIFICATE REQUIRED TO BE SUBMITTED BY A WIDOW.

I, Shri / Smt.....father / mother of my deceased son
Shri..... on..... who had married
Smt..... of have no objection to the remarriage of
Smt..... to Shri.....
resident of..... and further availing incentive under the Sikkim Widow Remarriage
Rules, 2017.

Place:

Signature (Father/Mother)

Date.

FORM VII
(See rule 8)
UNDERTAKING TO BE SUBMITTED BY THE ELIGIBLE COUPLE

I,.....of.....

undertake that I will not divorce Smt..... who I have married on or take any such action as to annul the marriage with her under the Sikkim Widows Remarriage Rules, 2017 on any ground whatsoever for a period of ten years from the date of registration of our marriage in the Appropriate Court.

I am aware and well versed that the Government has the right to take any action against me to recover the amount of incentive being paid under the Sikkim Widows Remarriage Rule, 2017, if the present marriage is annulled or if we separate before the expiry of the period of ten years.

Signature of the eligible person

WITNESS.

- 1.
- 2.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

R. TELANG, IAS
Commissioner cum Secretary
Social Justice, Empowerment and Welfare Department
File No..GOS/WCDD/2004/2

